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Attorneys for Defendant and Cross-Complainant
CITIBANK (SOUTH DAKOTA), N.A.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARYANN P. PACHECO, an individual,

Plaintiff,

vs.

CITIBANK SOUTH DAKOTA N.A.,
PATENAUDE & FELIX A.P.C. and WADE
MILLER, an individual,

Defendant.

CITIBANK (SOUTH DAKOTA), N.A.,

Cross-Complainant,

vs.

MARYANN P. PACHECO; and DOES 1
through 10, inclusive,

Cross-Defendants.

Case No. C 06-03935 MHP

[Assigned to the Honorable Marilyn Hall
Patel, Chief Judge]

**STIPULATION AND ~~PROPOSED~~
ORDER FOR DISMISSAL**

STIPULATION AND
[PROPOSED] ORDER FOR DISMISSAL

IT IS HEREBY STIPULATED by and between plaintiff Citibank (South Dakota), N.A. (“Citibank”), and plaintiff Maryann P. Pacheco (“Plaintiff”), through their designated counsel, that the Complaint by Plaintiff in the above-captioned action shall be, and hereby is, dismissed with prejudice pursuant to FRCP 41(a)(1). This stipulation is effective as the other defendants in the action have not been served.

IT IS HEREBY FURTHER STIPULATED, by and between Citibank and Plaintiff, through their designated counsel, that the Cross-Complaint filed by Citibank shall be, and hereby is, dismissed without prejudice pursuant to FRCP 41(a)(1).

Dated: September __, 2006

STROOCK & STROOCK & LAVAN LLP
JULIA B. STRICKLAND
ANDREW W. MORITZ
A. R. KACHADOORIAN

By: s/Andrew W. Moritz
Andrew W. Moritz

Attorneys for Defendant
CITIBANK (SOUTH DAKOTA), N.A.

Dated: September __, 2006

THE BERG LAW GROUP

By: s/Irving L. Berg
Irving L. Berg

Attorneys for Plaintiff
MARYANN P. PACHECO

ORDER

IT IS SO ORDERED

Dated: September 22, 2006

MARILYN
CHIEF JUDGE
DISTRICT



PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss
 COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California, over the age of eighteen years, and not a party to the within action. My business address is: 2029 Century Park East, Suite 1800, Los Angeles, California 90067-3086.

On September 21, 2006, I served the foregoing document(s) described as **STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Irving L. Berg, Esq.
 The Berg Law Group
 433 Town Center, PMB 493
 Corte Madera, CA 94925

☐ **(VIA PERSONAL SERVICE)** By causing said documents listed above to be personally delivered to the person(s) at the address(es) set forth above.

☒ **(VIA U.S. MAIL)** In accordance with the regular mailing collection and processing practices of this office, with which I am readily familiar, by means of which mail is deposited with the United States Postal Service at Los Angeles, California that same day in the ordinary course of business, I deposited such sealed envelope, with postage thereon fully prepaid, for collection and mailing on this same date following ordinary business practices, addressed as set forth below.

☐ **(VIA FACSIMILE)** By causing such document to be delivered to the office of the addressee via facsimile.

☐ **(VIA OVERNIGHT DELIVERY)** By causing such envelope to be delivered to the office of the addressee(s) at the address(es) set forth above by overnight delivery via Federal Express or by a similar overnight delivery service.

I declare that I am employed in the office of a member of the bar of this court whose direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 21, 2006, at Los Angeles, California.

 Lore Pekrul
 [Type or Print Name]

 s/Lore Pekrul
 [Signature]